

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

MDL No. 1456
Master File No. 1:01-CV-12257-PBS
Sub Docket No. 06-11337

THIS DOCUMENT RELATES TO:
*United States ex rel. Ven-A-Care of the Florida
Keys*
v.
*Baxter Healthcare Corporation and Baxter
International Inc.*

Judge Patti B. Saris

 **[PROPOSED] SCHEDULING ORDER**

FL
July 6, 2010

Saris, U.S.D.J.

WHEREAS, Relator Ven-A-Care of the Florida Keys ("Relator") filed its original complaint on June 23, 1995, and an amended complaint on May 14, 2010 in the U.S. District Court for the Southern District of Florida;

WHEREAS, the amended Complaint was unsealed on May 28, 2010 and assigned Civil Action No. 1:10-cv-21745-ASG;

WHEREAS, the matter was transferred to the District of Massachusetts by the Judicial Panel for Multidistrict Litigation on July 15, 2010 and assigned Case No. 10-cv-11186-PBS;

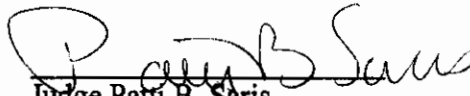
WHEREAS, that case was consolidated with Case No. 01-cv-12257-PBS (MDL No. 1456) on July 16, 2010;

WHEREAS, counsel for the Relator and counsel for Defendants have conferred, and would like to explore the possibility of a resolution of this matter through informal mediation prior to Defendants' submission of responsive pleadings;

NOW THEREFORE, it is ORDERED, as follows:

1. Relator will provide Defendant with a formal demand by no later than August 31, 2010.
2. Relator and Defendants shall engage in informal mediation prior to October 29, 2010 in an attempt to resolve this matter;
3. All deadlines shall be stayed during the pendency of this mediation period;
4. Should mediation not be successful, the parties will, by no later than November 15, 2010, jointly propose a schedule to the court for motion to dismiss briefing.

So ordered.


Judge Patti B. Saris